

REMARKS/ARGUMENTS

The non-final Office Action of May 28, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 19, 28, 31, 36, 40, 41, 43, 44 and 46 have been amended. No new matter has been added. Claims 1-5, 8, 9, 12-17, 19, 20, 22-31, 34, 36-38, 40-50, 52 and 53 are pending. Reconsideration, entry of the amendments and allowance of the instant application are respectfully requested in view of the following.

Claim Rejection Under 35 U.S.C. §112

Claims 46-53 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts at p. 2 that claim 46 contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. Applicants respectfully disagree. For example, in para. [0026] of corresponding U.S. Patent Publication No. 2003/0166392, Applicants describe how data received from an incoming signal 23 may be sent in a 1 second pulse having a bandwidth of 4-Mbit/sec. Accordingly, if the incoming streaming signal exhibits a 100 Kbits per second transmittal rate, a 1 second 4-Mbit/sec burst (duration of burst is 1 second) may transmit all of the information received from the incoming streaming signal over a 40 second period (i.e., duration of the incoming stream) in that burst by maximizing the bandwidth usage. Thus, Applicants respectfully submit that the rejection of claims 46-53 under 35 U.S.C. §112, first paragraph, is improper and request withdrawal thereof.

Claim Rejections Under 35 U.S.C. §103

Claims 1-5, 8, 9, 12, 14-17, 19, 20, 22-25, 27-31, 34, 36-38 and 40-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mansfield (U.S. Patent No. 6,477,382, "Mansfield"). Claims 13 and 46-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mansfield in view of Applicant's alleged admitted prior art. Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Mansfield in view of Anandakumar *et al.* (U.S. Patent No. 6,574,213, "Anandakumar").

Claim 1 recites, *inter alia*, “receiving, at a mobile terminal, buffered data as a digital broadcast transmission burst in a time-slicing signal, the buffered data corresponding to a first portion of an information stream, said digital broadcast transmission burst having a duration smaller than the duration of said first portion of said information stream.” Contrary to the assertions of the Office Action, Mansfield does not teach or suggest such features. The Office Action alleges, at p. 3, that Mansfield describes a digital broadcast transmission burst having a duration smaller than the duration of a first portion of information stream included in the transmission burst at col. 4, ll. 34-42. Applicants respectfully submit, however, that the cited passage is devoid of any such teaching or suggestion. The mere division of packets into sequence and transmission of the packets into message frames in assigned time slots, as described in col. 4, ll. 34-42 of Mansfield, does not describe a digital broadcast transmission burst having a duration smaller than the duration of a portion of an information stream included therein. In fact, there is no discussion in Mansfield of a duration of the transmission burst relative to a duration of the information stream carried in the burst. Accordingly, claim 1 is allowable for at least these reasons.

Additionally, Mansfield fails to teach or suggest a portion of an information stream buffered in a digital broadcast transmission burst. The Office Action directs Applicants to Col. 4, ll. 34-42 as allegedly teaching an information stream. However, the cited passage merely described paging packets which do not constitute an information stream. Stated differently, nowhere does Mansfield teach or suggest that the paging packets are portions of an *information stream*. At most, Mansfield describes next page pointer that identify the number of time frames until the next paging packet. Col. 4, ll. 11-15. Such does not constitute an information stream or a portion thereof. Accordingly, claim 1 is allowable for this additional reason.

Claim 1 further recites “buffering said digital broadcast transmission burst in a receiver input buffer of the digital broadcast receiver.” The Office Action asserts that col. 16, ll. 48-55 refers to a buffer capacity. However, the buffer capacity discussed in that passage relates to a base station, not a broadcast receiver in a mobile terminal, as recited in claim 1. There is no teaching or suggestion in Mansfield of a buffer in the mobile end system 805 (i.e., the alleged mobile terminal). Neither Anandakumar nor the Office Action’s alleged Applicant admitted

prior art cures any of the above-described deficiencies of claim 1. Accordingly, claim 1 is allowable for this additional reason.

Claim 19 recites features similar to those discussed above with respect to claim 1 and is thus allowable for at least the same reasons as claim 19.

Claims 31 and 46 are both directed to transmitting streaming information in a digital broadcast transmission burst to a remote mobile terminal at a higher bit rate than the rate at which said streaming information is received from the service provider, wherein the transmission is synchronized with a powering-up of the remote mobile terminal. The Office Action concedes that Mansfield does not disclose transmitting at a higher bit rate than the rate at which said streaming information is received. Instead, the Office Action relies upon alleged admitted prior art and in particular, Applicant's description in the specification that "[i]n a conventional signal transmission application, the transmitter 13 provides a continuous or a slowly-varying data stream having a bit rate of approximately 100 Kbit/sec...The streaming signal 23 thus exhibits the *same* transmission rate of 100 Kbit/sec as the information signal 21 originating at the service provider 11." (Emphasis Added). Applicant's specification describes conventional transmission applications as using the same transmission rate for a streaming signal as an information signal originating at the service provider. Accordingly, even if the asserted combination is proper, Applicant's alleged admitted prior art and Mansfield still fail to teach or suggest transmitting at a higher bit rate than a rate at which said streaming information is received. Accordingly, claims 31 and 46 are allowable for at least these reasons.

Claims 2-5, 8, 9, 12-17, 20, 22-30, 34, 36-38, 40-45, 47-50, 52 and 53 are dependent claims and are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein. For example, claim 13 recites, *inter alia*, "wherein said multi-protocol encapsulator conforms to standard EN 301192." The Office Action cites Applicant's discussion of EN 301192 and asserts that it would have been obvious for one of ordinary skill in the art to combine EN 301192 with the features of Mansfield to provide a system for use in Europe which provides DVB capabilities for delivering data in addition to televisual content. Contrary to the Office Action's assertion, Mansfield does not teach or suggest a system adapted for use in DVB nor does it teach or suggest delivering multimedia content. The Office Action is blatantly using Applicant's specification as a blueprint

for impermissible hindsight reconstruction. Accordingly, claim 13 is allowable for this additional reason.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,
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Dated this 20th day of August, 2008

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